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REMARKS

In response to the non-final Office Action mailed May 31, 2006, the Assignee submits the appended amendments and remarks. The Office Action rejected claims 39-58 and 61-69 and objected to claims 59-60. By the present amendment and response, claim 58 has been amended to provide antecedent basis for elements recited in claim 58 and claim 62 has been amended to remove the reference letter (l). Amended claim 58 now includes elements recited in claim 54. No new matter has been added by the present amendment. After entry of the amendments, claims 39-69 are pending in the application. The Office Action rejections are traversed for at least the following reasons.

I. REJECTION OF CLAIMS 39-41, 46-52, 54-58, 62-63, 66, AND 68 UNDER 35 U.S.C. 102

The Office Action rejected claims 39 - 41, 46 - 52, 54 - 58, 62 - 63, 66, and 68 under 35 U.S.C. § 102(b) as being anticipated by *Payne, et al.* (U.S. Patent No. 5,715,314). This rejection is respectfully traversed since *Payne* fails to disclose every element in claims 39-41, 46-52, 54-58, 62-63, 66, and 68.

Payne fails to, at least, disclose "comparing the [user's] response to information in the user's credit file, in real time, to authenticate the user's identity", as recited in independent claims 39 and 63; or "a processor ... configured to compare the response with information in the credit database ... and provide an indication about the user's identity," as recited in independent claim 66. In contrast, *Payne* relates to using a cryptographic key to authenticate a user's identity. For instance, *Payne* relates to a network sales system where a payment computer is programmed to cause an access

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message to be created that comprises ... an access message authenticator based on a cryptographic key and a merchant computer that is programmed to verify the access message authenticator to ensure that the access message authenticator was created using a cryptographic key. (Abstract, emphasis supplied). Furthermore, *Payne* discloses that "[w]hen the payment computer receives the payment URL it verifies whether the payment URL authenticator was created from the contents of the payment URL using the cryptographic key (step 36)." (Col. 5, lines 57-60, emphasis supplied).

The Assignee submits that independent claims 39, 63 and 66 are patentable in view of *Payne* since *Payne* authenticates the identity of a user with a cryptographic key rather than based on information in the user's credit file. Accordingly, the Assignee believes the claims are patentable over the cited reference, and respectfully requests allowance of independent claims 39, 63 and 66. Since claims 40 - 41, 46 - 52, 54 - 58, 62 and 68 are ultimately dependent on claims for which arguments of patentability are set forth above, the Assignee respectfully requests allowance of dependent claims 40 - 41, 46 - 52, 54 - 58, 62 and 68.

II. REJECTION OF CLAIMS 42-45, 53, 61, 64-65 AND 67

The Office Action rejected claims 42-45, 53, 61, 64-65 and 67 under 35 U.S.C. § 103(a) as unpatentable over *Payne*. Since claims 42-45, 53, 61, 64-65 and 67 are ultimately dependent on claims for which arguments of patentability are set forth above, the Assignee believes the claims are patentable over the cited reference and respectfully requests allowance of dependent claims 42-45, 53, 61, 64-65 and 67.

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III. REJECTION OF CLAIM 69

The Office Action rejected claim 69 under 35 U.S.C. § 103(a) as unpatentable over *Payne* in view of U.S. Patent No. 5,987,440 to *O'Neil et al.* Since claim 69 is ultimately dependent on a claim 66, for which arguments of patentability are set forth above, the Assignee believes this claim is patentable over the cited references and respectfully requests allowance of dependent claim 69.

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CONCLUSION

Claims 39 - 69 are pending in the application. The Office Action rejections are believed to be traversed by the present response. Claims 39 - 69 should now be in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 815-6048 if such contact will facilitate a Notice of Allowance for Claims 39 - 69. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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